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CASE STUDY

The Quota System in Latin America: General Overview

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Since antiquity, politics has been a sphere of public life that has been reserved for men, and this has meant not only that public posts, both executive and representative, were held by males, but that politics was read and understood in male codes and standards, excluding women both in deliberations and in decision-making processes on matters of public interest.

It was not until the 20th century that this situation of exclusion and injustice began to reverse. Indeed, the 20th century has been identified as "the century of women" as it bore witness, from its first years, to the suffragists' struggles for women's recognition as citizens. Over the last 30 years, women's incorporation into public affairs took the form of their participation in social movements of all sorts, and finally saw women's efforts to accede to positions of leadership and political responsibility.

In Latin America, women first won recognition as citizens in Ecuador in 1929, followed almost immediately by Chile and Uruguay in 1931. Only 30 years later would the task of giving women the right to vote in the region be concluded, when Paraguay and El Salvador incorporated women's suffrage into their constitutions in 1961.¹

The long path taken by the Latin American countries for women to win the vote stands in contrast to the rapidity with which they joined in adopting legal provisions to promote women's access to political positions of responsibility. One such provision has been the quota system.

As affirmative action-type mechanisms, the quotas have involved according preferential treatment to women. This measure is aimed at creating a balance in view of the inequalities women face in acceding to political posts, on forcing their entry to positions of public authority and not leaving it completely to the good faith of the political parties, nor to their traditional procedures for candidate selection.

The acceptance of gender-based quotas in Latin America is revealed in opinion polls that show that two-thirds of the population considers that quotas are generally beneficial for the region.

Accordingly, in 1991 Argentina, through the Quota Laws (*Ley de Cupos*), established a 30 per cent quota of legislative candidates. In subsequent years, 10 more countries have enacted laws aimed at including a minimum of women on the political parties' lists of candidates; these laws established a minimum of 20 to 40 per cent women candidates. In addition, Colombia has incorporated this mechanism (30%) for the top-level decision-making positions in the public administration.²

The acceptance of gender-based quotas in Latin America is revealed in opinion polls that show that two-thirds of the population considers that quotas are generally beneficial for the region. In addition, and as indicated in Chapter 1, most people in the region (57%) agree that quotas lead to better government, as women are more honest than men (66 of every 100 persons surveyed), and better decision-makers (85%).³

While Latin American women today are far from having achieved political equality with men, there is much greater awareness of the problems entailed in their exclusion and discrimination. In this sense, it appears that a major consensus has emerged around the advisability of expanding women's participation in political decision-making, and that this should happen in the short term. In conclusion, in Latin America the women's question has come to be accepted as part of the public agenda.

Quotas as an Expression of Democratization

It was in the context of the processes of transition to, and consolidation of, democracy in Latin America in the 1980s, with the upsurge of the social movements – and of the women’s organizations that emerged within them – and the reappearance of the political parties and democratic institutions, that the issue of extending human rights and citizen rights, and particularly the right to equality between men and women, became a part of the political agenda for Latin American governments and political actors.

During these years, women joined organizations pressing particular social demands in large numbers. From there they moved on to formal politics, first defending the effectiveness of the vote, joining organizations of election observers, and later seeking to head up such movements and accede to leadership positions. Nonetheless, it was not until after the Fourth World Conference on Women in Beijing in 1995 that the region would embrace the legal reforms instituting quotas for women. It is no mere coincidence that most of the countries that adopted quotas did so in 1996 and 1997. This process continues to move forward, given that one of the purposes agreed upon in Beijing was for women to attain effective access to 50% of political decision-making positions by the year 2005. The goal of achieving parity democracy by 2005 was clearly embraced.

Today, the Latin American constitutions enshrine legal equality among citizens; some even make specific mention of women (Argentina, Colombia, Ecuador and Nicaragua). Nonetheless, this generic protection is far from being translated into effective equality of opportunity for access to executive and legislative positions. Indeed, before quotas were introduced, on average women accounted for barely 9% of the members of Latin American legislatures.⁴

The adoption of quotas in Latin America – and the fact that the vast majority of the countries that have adopted them have set 30 per cent as the quota – does not mean that their inclusion in the election laws has been a mechanical and routine act, or necessarily connected with the degree of democratic development of each country. Costa Rica, a country with a long democratic tradition, has a quota of 40 per cent, while countries such as Brazil, the Dominican Republic and Peru, with different levels of democratic development, provide for 30, 25, and 25 per cent, respectively. And Paraguay, with a long history of authoritarian government, has established a 20 per cent quota.

Table 1: Quota laws and gender composition of the Chambers of Deputies (lower chamber) in 12 Latin American countries

Country	Year of Reform	Minimum quota by law	Placment mandate	Type of list
Argentina	1991	30%	Yes	Closed
Costa Rica	1997	40%	No	Closed
Peru	1997	25%	No	Open
Dominican Republic	1997	25%	No	Closed
México	1996	30%	No	Closed
Ecuador	1997 2000	20% 30%	Yes	Open
Bolivia	1997	30%	Yes	Closed
Colombia*	2000	30%	No	Closed
Panama	1997	30%	No	Open
Venezuela**	1997	30%	No	Closed
Brazil	1997	30%	No	Open
Paraguay	1996	20%	Yes	Closed

Sources: Adopted from Htun, Mala and Mark Jones. 2000. "Leyes de cuotas" Quotas y mujeres en América Latina; Inter-American Commission of Women, Organization of American States. Available on internet at: <http://www.oas.org/CIM/spanish/leyesdecuotas.htm>.

* The quota provision refers to administrative positions.

** The quota was later rescinded.

The Different Types of Quotas and How They Work

The widespread adoption of these compensatory mechanisms requires that one analyse how they work as an instrument to reduce gender asymmetry in political representation. There are different forms or types of quotas, which affect their capacity to transform the inequality of women’s participation.

Box 1: Types of quotas

Constitutional	Enshrined in basic laws, mainly constitutions.
Legislative	Established by law. In Latin America, the quotas are provided for in the election laws.
Political party quotas	Some political parties use the quota systems in their procedures for selecting internal posts. Examples include: The Partido de la Revolución Democrática and the Partido Revolucionario Institucional of Mexico; The Partido Socialista, Partido por la Democracia, and Partido Demócrata Cristiano of Chile; The Partido Unidad Social Cristiana of Costa Rica; The Partido dos Trabalhadores of Brazil; Acción Democrática of Venezuela; Frente Farabundo Martí para la Liberación Nacional of El Salvador; and Frente Sandinista de Liberación Nacional of Nicaragua. ⁵

Box 2: Different Types of Quota Laws

Compulsory	The percentage must be allocated in a certain way in the lists of both principal and alternate candidates, specifying alternation or sequencing (e.g., at least one of every three candidates must be a woman). Provide for sanctions in the event that the positions are not covered in the manner established. Examples: In Argentina, Bolivia and Paraguay, the lists of parties that do not meet the quota are not registered.
Indicative	The percentage is established without specifying how it is to be met. The political party leadership is given a wide margin of discretion for placing the women candidates in any place on the lists, if not in the space for the alternates. Examples: In Brazil, Mexico, Panama and Peru, and the laws do not specify the precise placement of women on the lists.

Establishing a certain percentage does not mean that women candidates are actually in a position to translate the percentage of candidates into a similar percentage of seats. Experience shows that the provision can be respected without respecting its spirit, since women are placed at the bottom of the lists of principal candidates, or as alternates, where they have little if any possibility of getting elected. This explains why in the countries with quotas, the actual level of women's representation in the respective legislative organs is currently, on average, 15.8 per cent.

An additional provision useful for bolstering the effectiveness of quotas consists of setting an obligatory distribution of women's candidacies, and specific sanctions for failing to abide by it, such as refusal on the part of the electoral authorities to register the lists of candidates submitted to them. Along these lines, in Argentina the law provides that women candidates must be positioned in proportions sufficient to get elected. In Bolivia, the law provides that one of every three candidates must be a woman, and in Paraguay, one of every five places on the lists must feature a woman. In the case of Mexico, where the legislation requires that no more than 70 per cent of candidates can be of the same gender, each party complies in keeping with its own by-laws, that is, based on the political culture of its cadre and activists. Accordingly, while for the PRI (Partido Revolucionario Institucional) and the PRD (Partido de la Revolución Democrática), which have different quotas (50 per cent and 30 per cent, respectively), one of every three candidates is a woman, the PAN (Partido de Acción Nacional) has no order of priority.

The sound operation of quotas also has to do with the type of electoral system in place. While the electoral systems are not the only factor determining disparity in the political representation of men and women, they can make a difference in making quotas more effective. Generally, quotas tend to work better in proportional representation systems than in majority-voting systems in which there is a single candidate per electoral district.

If there is no express provision for nominating women candidates, the objective of having quotas tends to get diluted, as it is left either in the hands of the political party leaders, who for the most part are men, or the voting public.

In countries in which the lists of candidates for legislative seats are open, such as Brazil, Ecuador, Panama and Peru, promoting women candidates is left to the voters. In other words, it is the voters who determine the placement of the winners, and therefore the election of women to the legislatures. Even so, generally, the dominant political culture is reproduced, that is, male candidates are favoured. Additionally, all the countries of the region where the lists of candidates are closed and blocked, leaving the promotion of women candidates to the party cadre and internal competition, also fail to offer any guarantee of equality, given the traditional predominance of men among the party cadre. Accordingly, if there is no express provision for nominating women candidates, the objective of having quotas tends to get diluted, as it is left either in the hands of the political party leaders, who for the most part are men, or the voting public, which shares the dominant values and considerations about political affairs, leaving women at a disadvantage.

The size of the electoral districts is another element of the electoral system that may favour the inclusion of women, for the larger the district, the greater the opportunities for women to find a place in a representative position,⁶ as there are more candidates.

Finally, the effective application of quotas also depends on other elements, such as the willingness of party leaders to open up decision-making positions and candidacies to women. In this context, if the decision as to where to place women on the lists is subject to the correlation of groups within the parties, quotas will only prosper when the women have succeeded in penetrating the party structures and securing places for themselves in mid-level and upper-level directing positions, that is, when they are involved in internal decisions on a regular and meaningful basis.

Implementing Quotas in Latin America

In assessing the implementation of quotas in the region, one must bear in mind that they have been adopted very recently, and therefore have not yet been in effect long enough to gauge their effectiveness. Nonetheless, in this context, the more immediate criterion for evaluating their success turns out to be the percentage of women who currently hold legislative seats.

Table 2: Composition by gender of the Chambers of Deputies and Senates in the different areas of Latin America

Region/Country	Election	Quota %	Women Representatives %	Women Senators %
Southern Cone				
Argentina	Oct 2001	30	30.7	35.2
Chile	Dec 2001		12.5	4.1
Uruguay	Oct 1999		12.1	9.7
Paraguay	May 1998	20	2.5	17.8
Brazil	Oct 1998	30	6.8	6.3
Average			12.9	14.6
Andean Region				
Bolivia*	Jun 1997	30	11.5	3.7
Peru	Apr 2001	25	17.5	Single House
Colombia	Mar 2002		12.6	9.8
Ecuador	May 1998	20/30	14.6	Single House
Venezuela	Jul 2000		9.7	Single House
Average			13.2	6.8
Central America				
Costa Rica	Feb 2002	40	35.0	Single House
El Salvador	Mar 2000		9.5	Single House
Guatemala	Nov 1999		8.8	Single House
Honduras	Nov 1997		9.4	Single House
Nicaragua	Nov 2001		20.7	Single House

Panama	May 1999	30	9.9	Single House
Average			15.2	
Others				
México	Jul 2000	30	16.0	15.6
Dominican Republic	May 1998	25	16.1	6.7
Source: Adapted from: Inter-Parliamentary Union. Women in National Parliaments: World Classification. February 2002. [Internet]: http://www.ipu.org/wmn-e/classif.htm				

* In the case of Bolivia, the sequence in which women must occupy a candidacy on the lists is different depending on whether it's for the Senate or the Chamber of Deputies. For the Chamber of Deputies, one of every three candidates must be a woman, while in the Senate it must be one of every four.

By 2002, Argentina, which was the first country to introduce quotas, and which also specified their placement and provided for sanctions,⁷ had 30.7 per cent women representatives in the Chamber of Deputies and 35.2 per cent in the Senate, that is, Argentina's Quota Law has already been successful. Costa Rica, which has the highest quota (40%) in addition to a long democratic tradition and a society known to be liberal and open, had only 19.3 per cent women in the legislature until the decision of the Supreme Electoral Tribunal in 2000. In 2002, with implementation of the Tribunal's decision, which requires that the parties place women in winnable positions, Costa Rica attained 35 per cent women legislators. Cuba and Nicaragua, which do not have quotas, have 27.6 per cent and 20.7 per cent women legislators, respectively, which suggests that quotas are not the decisive factor for ensuring gender equity, just one element that facilitates it. This is why political history and cultural traditions play a determinant role when it comes to women winning positions of political responsibility.

In effect, it is not sufficient to have a democratic system, or even a democratic tradition, to guarantee better opportunities for women. Chile and Uruguay, known for their long democratic tradition, have not incorporated quotas into their legislation, and in 2002 had only 12.5 per cent and 12.1 per cent women deputies, respectively. In addition, the existence of a democratic political culture among the elite⁸ does not translate directly into a culture of equity. Indeed, in Uruguay, when quotas were discussed in 1988, the legislators rejected them, considering them unconstitutional, as they were seen to violate the principle according to which there must be equal treatment as between the sexes. In addition, it was argued, it was better for women to win elective posts based on their merits.⁹

Furthermore, in Ecuador, which has one of the most advanced quota laws (it provides that the percentage of women candidates is to increase 5 per cent in each successive election, with a view to attaining parity between men and women) women held only 14.6 per cent of the legislative seats in 2002.¹⁰ Similarly, in Colombia, which is the only country with binding quotas for high-level executive posts, only 11.2 per cent of the legislators are women. The situation is somewhat similar in Brazil, which in 2000 increased its quotas from 25 to 30 per cent, and where women account for only 6.8 per cent of the members of Congress. All the foregoing reveals that neither consensus on the need to open the political systems to women nor gains in the law suffice to make political systems more fair when it comes to gender issues.

As was mentioned earlier, to make quotas more effective and reduce the deficit between what they entail and what really happens in practice, one of the first measures that would have to be adopted is that quotas must include specific placement for women candidates, and non-compliance with this requirement by any party should result in failure to register the lists from that party. Nonetheless, of the five countries that have quotas that prescribe specific placement on the lists, only Argentina has levels of women's representation that corresponds to the percentage of the quota, while Bolivia, Paraguay, and Ecuador have deficits in representation with respect to the quotas of 18.5, 17.5, and 15.4 per cent, respectively, which shows the insufficiency of the measure in contexts of incipient democratic development.

To explain the differences both in the application of quotas and in the reluctance of some countries to adopt them, one must incorporate an analysis of other variables that go beyond democratic development. First, one must note that in the countries that do have quotas today, the average level of representation of women is 15.8 per cent, while those that do not have them have an average of 12.6 per cent; in other words, there is not a statistically significant difference. Seen from this regional perspective, Central America has the highest percentage of women legislators (15.2%), although only Costa Rica and Panama have quotas, while in the Andean region, where three of the five countries have them, the average is only 13.2% women legislators; and in the Southern Cone, where two of the five countries have quotas, 12.9% of the legislators are women.

One variable to be considered is the extent of social homogeneity in terms of opportunities for women. Societies more open to gender equity in the social, cultural and educational realms are better positioned for women to be able to compete effectively to accede to public office, in both the legislative and executive branches. Of course, cultural and religious considerations play a significant part: in the countries with a tradition of separation between Church and state, such as Mexico, Costa Rica and Cuba, there is greater recognition of women's right to participation on an equal footing.

Another factor to be considered is that political parties by nature have hierarchical structures, with highly centralized decision-making, which gives rise to resistance to the demands of other groups within them. Thus, so long as the political parties do not genuinely democratize internally, the demand for gender equity in political representation will face major obstacles no matter how much social legitimacy this demand enjoys.

Finally, quotas are not a formula for having an immediate impact, and there are some contradictions between quotas and actual practice. One of these is clearly evidenced in the difference of results in some countries that have quotas for elections to both houses of the legislature, such as Paraguay.¹¹ While Latin America has intermediate rates of female representation,¹² it is still far from attaining the objective of political equality. Nonetheless, it is possible to identify a series of benefits of quotas.

The Benefits of Quotas

Quotas have had an important symbolic effect because they have been raising the population's awareness of the problem of inequality, and of the situation of women and the problems they face. In addition, the debate on whether to adopt quotas has helped instill the habit of thinking of women as professionally and politically capable of holding positions of public responsibility. Furthermore, the presence of larger numbers of women dedicated to politics has made it possible to accumulate institutional resources for increasing the representation of women, and for drawing attention to the particular problems women face, i.e. to promote decisions and public policies with a gender approach.

Quotas result from the greater political presence of women, and are useful for encouraging a larger mobilization along these lines, in order to constitute a "critical mass", which it is believed is reached with about 30 per cent representation. It must be understood that for a given position and a particular set of interests to find their way into the decisions of a given organization or institution, it does not suffice for there to be just a few representatives of such interests: in fact, many are needed, to ensure that their position is not ignored.¹³

Possible Solutions to the Lack of Political Equality

Beyond the specific analysis of the effects of quotas on the representation of women in Latin America, perhaps the most important factor in defining additional strategies to foster gender equity in politics is to analyse and address the causes of the persistence of political inequality.

The quotas will bear immediate fruit to the extent that these mechanisms are accompanied by processes of change capable of generating a more balanced social fabric between males and females in terms of access to education, health care, and employment. This would mean introducing a set of reformist social welfare policies aimed at ensuring the existence of social institutions that effectively support domestic tasks, such as day-care centers, unemployment insurance, child care centers, and maternity leave. At present in Latin America the family has taken the place of these social institutions, that is, it is family solidarity, and not a social structure of support mechanisms organized by the state, that enables women to find employment outside the home. In relying on family solidarity, women are depending on a contingent and increasingly scarce resource.

Quotas should be part of a set of comprehensive strategies to support participation, which together constitute a basic framework, a firm platform from which to take off. At first, quotas attack the under-representation of women in its ultimate expression, not in its causes, on which this under-representation is ultimately based. Accordingly, they can only be introductory, necessarily temporary, and merely a catalyst of consistent public policies aimed at making reparation for women's unequal status. Quotas are merely spearheads that prepare the terrain for developing public policies and programmes to address women's demands, as a necessary condition for building more egalitarian societies whose political expression is parity democracy.

Endnotes

¹It should be noted that although the right to vote was granted to women in El Salvador in 1939, the right to be run for elective office was not granted until 1961. Inter-Parliamentary Union. *Women's Suffrage. A World Chronology of the Recognition of Women's Rights to Vote and Stand for Election*. Available on the internet at <http://www.ipu.org/wmn-e/suffrage.htm>.

²Morales Hoyos, Vivian. 2001. "Cuotas". Paper presented at the *Parlamento de Mujeres*. Mexico City: Congress of Mexico. p. 5.

³Inter-American Dialogue/Gallup. 2000. "Latinoamericanas en el mando. Una encuesta a la opinión pública". Executive compilation for public dissemination. November. Available on the internet at http://www.thedialogue.org/Gallupsummary_spanish.htm.

⁴Htun, Mala. 2001. "Women's Leadership in Latin America: Trends and Challenges", in Inter-American Dialogue. *Politics Matter: A Dialogue of Women Political Leaders*. Washington, D.C.: Inter-American Dialogue. p. 25.

⁵Htun, Mala. 2001. p. 19.

⁶Htun, Mala and Mark Jones. 2002. "Engendering the Right to Participate in Decision-Making: Electoral Quotas and Women's Leadership in Latin America". In: Nikki Craske and Maxine Molyneux (eds.), *Gender and the Politics of Rights and Democracy in Latin America*. London: Palgrave.

⁷This mechanism was adopted later, among other reasons, in response to pressure from the women's organizations to ensure that the quotas were respected.

⁸Martínez, Antonia. 1997. "Elites parlamentarias y cultura política en América Latina". In: Del Castillo, Pilar and Ismael Crespo (eds). *Cultura política*. Valencia: Tirant lo blanch. p. 136.

⁹Nohlen, Dieter, Sonia Picado and Daniel Zovatto (eds). 1998. "Tratado de derecho electoral comparado de América Latina". Mexico City: Inter-American Institute of Human Rights, University of Heidelberg, Electoral Tribunal of the Mexican Judiciary, Federal Electoral Institute, Fondo de Cultura Económica, p. 416.

¹⁰It should be noted that this 14.6 per cent women legislators were elected in the 1998 election, i.e. before approval of the provision on the gradual increase of 5 per cent in the quotas and the alternation and sequencing in the lists.

¹¹In countries such as Argentina, Brazil and Mexico, which have bicameral legislatures, women's presence is similar or less in the Senate than in the Chamber of Deputies. In others, such as Bolivia, the Dominican Republic and Paraguay, where the rule makes no distinction, the percentage of women legislators is much higher in the Senate.

¹²Inter-Parliamentary Union. *Women in National Parliaments: World Classification*, February 2002. Available on the internet at <http://www.ipu.org/wmn-e/classif.htm>.

¹³Dahlerup, Drude. 1993. "De una pequeña a una gran minoría: una teoría de la 'masa crítica' aplicada el caso de las mujeres en la política escandinava". In: *Debate feminista*. Year 4, Vol. 8. Mexico City. p. 174.

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